

REMARKS

Applicant respectfully requests reconsideration of the rejection of this application as examined pursuant to the office action of June 11, 2008. In the office action, Claims 19-36 were examined. Claims 19-36 remain pending after this amendment. ⁹

Claims 19 and 26 were objected to for several informalities. Claims 26-36 were rejected under 35 USC § 101 as claiming non-statutory subject matter. Claims 19-23 and 25-36 were rejected under 35 USC § 103(a) as being unpatentable over McNeal (US Patent No. 6,728,397) in view of Ranger (US Patent No. 5,999,940). Further in the office action, Claim 24 was rejected under 35 USC § 103(a) as being unpatentable over McNeal in view of Ranger and Reyes (US Patent No. 5,818,030).

By this amendment, Applicant has amended independent Claims 19 and 26 and dependent Claims 31-34 and 36. Specifically, independent Claims 19 and 26 have been amended to further distinguish the present invention from the cited references. Claim 19 now describes the method of the present invention as including a step of persistently scanning other databases, wherein the persistently scanning occurs without requiring initiation through an action of the one or more individuals and wherein the persistently scanning is performed without notifying the subject of the scanning identity information of the one or more individuals. Claim 19 was further amended to describe the method of the present invention as including a step of replicating the stored private information of the one or more other databases gathered from the step of persistently scanning to a secure replication database to ensure that the one or more other databases scanned cannot identify the specific target of the scanning. Similarly, Claim 26 was amended to describe the system of the present invention as including means for persistently searching the Internet for one or more databases containing stored private information of one or more individuals, which means may be activated without initiation through an action by the one or more individuals and wherein the means for persistently searching functions without notifying the subject of the scanning identity information of the one or more individuals. Claim 26 was further amended to state that the system includes a secure replication database of the stored private information copied from the one or more other databases containing the stored private information and arranged to ensure that the one or more other databases scanned cannot identify the specific target of the scanning. As noted in the July 17, 2008, telephone interview with the examiner, these particular features of the present invention clarify the orientation of the present

invention with respect to the cited references and distinguish the present invention from the combination of cited references.

Applicant has further amended Claims 19 and 26 to address the specific objections to those claims. Further, Claim 26 has been amended to describe the system of the present invention as including a memory controller to conduct the private information comparison, and a communication port of a computing device configured to enable the notification of any of the one or more individuals of indicia of identity theft. In view of these particular amendments, Applicant respectfully suggests that the objections to Claims 19 and 26 and the 35 USC § 101 rejection of Claim 26, and Claims 27-36 which depend thereon, have been successfully traversed. Withdrawal of the objections and that rejection are therefore requested.

The 35 USC § 103(a) Rejections

Applicant notes that the combination of the McNeal and Ranger references provides the principal basis for the substantive rejection of the pending claims as stated in the June 11, 2008, office action. As discussed with the examiner in the July 17, 2008, telephone interview, neither the McNeal reference nor the Ranger reference describes a method or related system for persistently scanning for private information from multiple sources without requiring an initiation activity and replicating stored private information to a secure replication database so as to deny the subject of the scanning with information regarding the target of the scanning. The combination of the two references also fails to describe such a method and system. McNeal describes a check verification system in which it is necessary to submit to a data source information regarding an individual that is the subject of the verification process. Ranger teaches a very general Internet search engine in which, again, the specific information that is the subject of the search must be revealed to the data source to be searched. The present invention avoids the disclosure of such information to the information sources being scanned so as not to compromise the personal identity information of the one or more individuals utilizing the present invention.

Independent Claims 19 and 26 as amended now clearly distinguish from the combination of McNeal and Ranger. For that reason, the rejection of Claims 19-23 and 25-36 under 35 USC § 103(a) based on that combination has been successfully traversed. Withdrawal of that rejection is therefore requested. Applicant notes that the Reyes reference has been cited for the limited

purpose of disclosing the use of colored indicators to reflect specified conditions. Reyes does not disclose the protection of the identity of the subject matter of a persistent scanning.

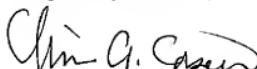
Therefore, Applicant respectfully suggests that the rejection of dependent Claim 24 under 35 USC § 103(a) based on the combination of McNeal, Ranger and Reyes has been successfully traversed. Withdrawal of that rejection is therefore requested.

CONCLUSION

In view of the amendments made to the claims and the arguments presented herein, Applicant respectfully suggests that the objections and rejections to the claims have been successfully traversed. Withdrawal of those objections and rejections is therefore requested. Applicant hereby requests that the application be allowed to pass to issuance.

Applicant notes that no new claims have been added by this request. Therefore, no additional filing fee is required.

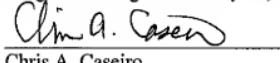
Respectfully submitted,



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I hereby certify that this correspondence is being transmitted to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, using the Patent Office's EFS-Web on July 25, 2008. It is hereby requested that this communication be assigned a filing date of July 25, 2008.



Chris A. Caseiro